

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
NO. 1:23-CV-00423

TIMIA CHAPLIN; KEVIN SPRUILL;  
ROTESHA MCNEIL; QIANA  
ROBERTSON; YOUSEF JALLAL;  
MESSIEJAH BRADLEY; PAULINO  
CASTELLANOS; ROBERT LEWIS; and  
ALLEN SIFFORD, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

WILLIE R. ROWE, in his official capacity  
as the Sheriff of Wake County; BRIAN  
ESTES, in his official capacity as the Sheriff  
of Lee County; THE OHIO CASUALTY  
INSURANCE COMPANY, as surety for the  
Sheriff of Wake County and as surety for the  
Sheriff of Lee County; TYLER  
TECHNOLOGIES, INC.; NORTH  
CAROLINA ADMINISTRATIVE OFFICE  
OF THE COURTS; RYAN BOYCE, in his  
official capacity as the Executive Director of  
the North Carolina Administrative Office of  
the Courts; BRAD FOWLER, in his official  
capacity as the eCourts Executive Sponsor  
and Chief Business Officer of the North  
Carolina Administrative Office of the  
Courts; BLAIR WILLIAMS, in his official  
capacity as the Wake County Clerk of  
Superior Court; SUSIE K. THOMAS, in her  
official capacity as the Lee County Clerk of  
Superior Court; SUSIE K. THOMAS, in her  
official capacity as the Lee County Clerk of  
Superior Court; JOHN DOE SURETY, as  
the surety for the Wake County Clerk of  
Superior Court and the Lee County Clerk of  
Superior Court; and DOES 1 THROUGH  
20, INCLUSIVE,

Defendants.

**DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S MOTION  
TO DISMISS FIRST AMENDED COMPLAINT IN LIEU OF ANSWER**

NOW COMES defendant, WILLIE R. ROWE, in his official capacity as the Sheriff of Wake County ("Defendant Rowe"), and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(a)(4) and Rule 12(b)(6) and in lieu of filing an answer moves to dismiss this action with respect to Defendant Rowe on the grounds that the plaintiffs' amended complaint fails to alleges facts necessary to support the claims for relief, and that the amended complaint fails to state claims against Defendant Rowe upon which relief may be granted and the same should be dismissed .

WHEREFORE, Defendant Rowe prays the court grant this motion and dismiss this action as to this defendant with prejudice, and for such other and further relief as the Court may deem proper and just.

Respectfully submitted this the 16<sup>th</sup> day of January, 2024.

WAKE COUNTY ATTORNEY'S OFFICE

/s/ Roger A. Askew

Roger A. Askew, NCSB # 18081

Senior Deputy County Attorney

Post Office Box 550

Raleigh, North Carolina 27602

Phone: (919) 856-5500

Fax: (919) 856-5504

*Attorney for Defendant Wake County Sheriff*

*Willie Rowe*

/s/ Robert J. Lane

Robert J. Lane, NCSB # 53767

Assistant County Attorney

Post Office Box 550

Raleigh, North Carolina 27602

Phone: (919) 856-5500

Fax: (919) 856-5504

*Attorney for Defendant Wake County Sheriff*

*Willie Rowe*

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for defendant Sheriff WILLIE R. ROWE, in his official capacity as the Sheriff of Wake County, hereby certifies that on the day indicated below the foregoing and attached **DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S MOTION TO DISMISS FIRST AMENDED COMPLAINT** was electronically filed with the Clerk of Court using the CM/ECF filing system and served via electronic transmission through the Court's CM/ECF system in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and applicable local rules upon the CM/ECF participants:

This the 16<sup>th</sup> day of January, 2024.

/s/ Roger A. Askew

Roger A. Askew, NCSB # 18081

Senior Deputy County Attorney

Wake County Attorney's Office

P.O. Box 500

Raleigh, NC 27602

Telephone: 919-856-5500

Facsimile: 919-856-5504

E-Mail: Roger.askew@wakegov.com

*Attorney for Defendant Wake County Sheriff*

*Willie Rowe*